

MAR 17 2005

PATENT APPLICATION**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q63766

Satoshi ARAKAWA

Appln. No.: 09/931,064

Group Art Unit: 2878

Confirmation No.: 2592

Examiner: Shun K. LEE

Filed: August 17, 2001

For: IMAGE INFORMATION READING APPARATUS

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated February 1, 2005. Entry of this Reply Brief is respectfully requested.

Table of Contents

ARGUMENT.....	2
CONCLUSION.....	6

Atty. Docket No.: Q63766
PATENT APPLICATION

REPLY BRIEF UNDER 37 C.F.R. § 41.41
U.S. Appln. No.: 09/931,064

ARGUMENT

Appellant incorporates the arguments set forth in the Appeal Brief filed December 9, 2004. Additionally, Appellant addresses the Examiner's Answer dated February 1, 2005, as follows.

On page 7 of the Examiner's Answer in regards to Issue A, the Examiner alleges that Appellant argues individually against the Hayakawa (US 6,365,909) and Torii (US 4,810,874) references. In response Appellant respectfully points out that the arguments presented at pages 9 – 11 of Appellant's Brief (Part XII(1)(A)) address both the Hayakawa and Torii references.

It is generally true that one cannot properly attack a holding of obviousness by merely addressing one source of prior art where multiple sources of prior art are used to reject an application's claims. *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); and *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986)). However, in the instant case Appellant addresses all sources of prior art cited by the Examiner.

The Examiner appears to be arguing that Appellant is not allowed to address or discuss the teachings and failures of the Hayakawa and Torii references individually as part of an analysis of the Hayakawa and Torii references collectively. Clearly such a stance is in error, and stands unsupported by any published opinion or decision by the Board of Patent Appeals and Interferences and/or by the Federal Circuit.

Appellant simply argues the plain language of the claims set forth in the instant application (Application No. 09/931,064) as noted in the Appeal Brief filed December 9, 2004. In summary of the noted arguments, the Hayakawa reference at least fails to teach or suggest: (1)

Atty. Docket No.: Q63766
PATENT APPLICATION

REPLY BRIEF UNDER 37 C.F.R. § 41.41
U.S. Appln. No.: 09/931,064

a stimuable phosphor sheet being housed in a container (2) that is supported on a support table (3) while light applying and collecting means displace about the container, and the Torii reference perpetuates these deficiencies.

The Examiner compares Hayakawa's plate holding section 4 (shown, for example, in Hayakawa's Figs. 1 and 25) to Appellant's support table 14 which holds the container which houses the phosphor sheet *while the light applying and collecting means displace with respect to the stimuable phosphor sheet housed in the container* (as claimed by Appellant's claim 1). In contrast to Appellant's invention the device of Hayakawa *removes the phosphor sheet from its container while applying stimulating light and collecting emitted light* (Hayakawa's light applying and collecting means are shown by reference element 5, for instance, in Figs. 1 and 25). In brief, the Hayakawa reference fails to teach or suggest *a support table which holds the container housing the phosphor sheet while the light applying and collecting means displace with respect to the stimuable phosphor sheet housed in the container.*

That is, Hayakawa fails to teach or suggest "...the arrangement being such that while said stimulating light applying means is facing and being displaced with respect to said stimuable phosphor sheet housed in said container, said stimulating light applying means applies said stimulating light to said stimuable phosphor sheet, and while said light collecting means is being displaced with respect to said stimuable phosphor sheet, said light collecting means collects light emitted from said stimuable phosphor sheet and reads radiation image information from the collected light."

Atty. Docket No.: Q63766
PATENT APPLICATION

REPLY BRIEF UNDER 37 C.F.R. § 41.41
U.S. Appln. No.: 09/931,064

The Torii reference fails to cure the deficiencies of Hayakawa. That is, the Torii reference fails to teach or suggest a support table, let alone a support table for holding a container with a phosphor sheet inside while light applying and collecting means displace with respect to the stimuable phosphor sheet housed in the container. Instead, Torii teaches a conveyor belt 30 which moves a phosphor sheet 3 beneath light applying 13 and collecting means 12/16. In Torii, the phosphor sheet 3 displaces about the light applying and collecting means.

Clearly, a conveyor belt is not the same thing as a table. Additionally, in further contrast to the Torii device, Appellant's invention does not move its container housing with a phosphor sheet inside the container during light application, but instead displaces the light applying and collecting means with respect to the stimuable phosphor sheet housed in the container.

In view of the previous, the art cited by the Examiner fails to teach or suggest all of the features recited by Appellant's independent claim 1, as is required by MPEP § 2143.03. Accordingly, the instant rejection should be overturned. Claims 2 – 13 and 15 – 20 are patentable at least based on their dependency.

The instant rejection should also be overturned because Appellant's invention does away with Hayakawa's complex phosphor sheet handling system 4 which removes phosphor sheets from their containers, while retaining the function of stimulating and reading from a phosphor sheet. See MPEP § 2144.04(II)(B). Additionally, the instant invention does away with Torii's conveyor belt system 30, while retaining the function of stimulating and reading from a phosphor sheet. For these additional reasons the Examiner's rejection should be overturned. The

Atty. Docket No.: Q63766
PATENT APPLICATION

REPLY BRIEF UNDER 37 C.F.R. § 41.41
U.S. Appln. No.: 09/931,064

remaining claims (claims 2 – 13 and 15 – 20) are also patentable at least based on their dependency for these reasons.

The Examiner also rejects claims 5, 6, 15, 16 and 20 under 35 U.S.C. § 103 in view of Hayakawa, Torii and U.S.P. No. 4, 810,847 to Schneider. Notably, Schneider fails to cure the above-noted deficiencies of the Hayakawa and Torii references. Claims 5, 6, 15, 16 and 20 are therefore asserted as patentable at least by virtue of their dependency upon claim 1. The remaining claims (claims 2 – 4, 7 – 13 and 17 – 19) are also patentable at least based on their dependency for these reasons.

The Examiner also rejects claims 12, 13 and 19 under 35 U.S.C. § 103 in view of Hayakawa, Torii and U.S.P. No. 4,733,307 to Watanabe. Notably, Watanabe fails to cure the above-noted deficiencies of the Hayakawa and Torii references. Claims 12, 13 and 19 are therefore asserted as patentable at least by virtue of their dependency upon claim 1. The remaining claims (claims 2 – 11, 15 – 18 and 20) are also patentable at least based on their dependency for these reasons.


Atty. Docket No.: Q63766
PATENT APPLICATION

REPLY BRIEF UNDER 37 C.F.R. § 41.41
U.S. Appln. No.: 09/931,064

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,


Jason C. Beckstead
Registration No. 48,232

SUGHRUE MION, PLLC
Telephone: (650) 625-8100
Facsimile: (650) 625-8110

MOUNTAIN VIEW OFFICE


23493

CUSTOMER NUMBER

Date: March 17, 2005

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this REPLY BRIEF UNDER 37 C.F.R. § 41.41 is being facsimile transmitted to the U.S. Patent and Trademark Office this 17th day of March, 2005.


Mariann Tam